

Serial No. 10/599,996

Docket No. NL040422

REMARKS

Request for reconsideration and allowance of all the pending claims are respectfully requested in light of the amendments and following remarks. Claims 1-4 and 6-11 remain pending herein and stand rejected, claim 5 having been cancelled. Claim 12 has been added to address another aspect of the invention.

Claim 11 stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 11 has been rewritten as a standard statutory Beauregard claim. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claims 1-3, 6-7 and 9-11 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kiwiet et al., U.S. 5,854,618, (hereinafter, "Kiwiet"). Claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kiwiet in view of Millman (U.S. Pub. No. 20020075251). Claims 5 and 8 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kiwiet in view of Inoue et al. (JP 2002218343).

Applicant respectfully disagrees with, and explicitly traverses, the Examiner's reason for rejecting the claims. A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must

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be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

The Office Action uses Kiwiet as its primary reference against the claims of the instant application. Kiwiet relates to changing the appearance of the picture that appears when an apparatus is in standby mode. In particular,

The apparatus in accordance with the invention includes measuring means for measuring a value of a parameter of an environment of the apparatus, coupled to the picture-generating means, **in order to change a picture composition in the standby mode** in response to a change of the measured value [emphasis added]. (col. 1, lines 31-36)

With regard to claim 1, this claim as amended recites:

1. A display product (10) including:
 - (a) a display (20);
 - (b) processing means (40, 50, 70, 80) for receiving one or more image signals and presenting the images on the display (20);
 - (c) controlling means (100, 110, 120) for selectively switching operation of the display product (10) between at least a first display product mode of operation (MD1) during which images are presented on the display (20) and a second night-light mode of operation (MD2) during which the display product (10) is operable to function at reduced power to provide night-light illumination from the display (20); and

wherein the controlling means (100, 110, 120) incorporates one or more sensors for sensing environmental conditions in proximity to the display product (10) for measuring environmental characteristics, and selectively switching the display product (10) to the second mode (MD2) in event of one or more of the characteristics exceeding one or more predefined levels.

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Claim 1 has been amended to incorporate the features of the original claim 5. Consequently, it now recites that environmental characteristics are measured and switching of the display product to the second mode occurs when one or more of the characteristics exceeds one or more predefined levels.

In the rejection of claim 5 (page 7 of the Office Action), the Examiner acknowledges that Kiwiet fails to teach this feature of the invention. He then references the abstract and title of Inoue as teaching this feature. However, these cited passages of Inoue merely relate to a sensor which detects the presence of a viewer. Applicant respectfully submits that whether or not a viewer is present is not an environmental characteristic. In particular, it is not an environmental characteristic that is measured and compared against a threshold value as recited in claim 1 (and described in paragraph [0017] of the specification). In Inoue, a viewer is either present or he is not. Inoue fails to teach or suggest measuring an environment characteristic and comparing it against a threshold.

Having shown that the combined device resulting from the teachings of the cited references does not include all the elements of claim 1, Applicant submits that the reasons for the Examiner's rejections of claim 1 has been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claim. Independent claim 11 recites the same features as claim 1 and is deemed patentable for at least the same reasons.

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With respect to Independent claim 10, this claim as amended reads:

A method of providing a night-light function on a display product (10), the method comprising steps of:

- (a) arranging for the display product (10) to include a display (20), processing means (40, 50, 70, 80) for receiving one or more image signals and presenting the images on the display (20), and controlling means (100, 110, 120) coupled to the display (20) and the processing means (40, 50, 70, 80); and
- (b) selectively switching operation of the display product (10) between at least a first display product mode of operation (MD1) during which images are presented on the display (20) and a second night-light mode of operation (MD2) during which the display product (10) is operable to function at reduced power to provide night-light illumination from the display (20); and
- (c) providing switching to a third mode of operation (MD3) wherein power consumption is less than that of the second night-light mode of operation (MD2).

The newly added "third mode" feature of claim 10 and new claim 12 can be found, *inter alia*, at paragraph [0053] and [0055], respectively. Applicants submit that this third mode feature is neither taught nor suggested by Kiwiet, either singly or in combination with any of the other cited prior art references. Accordingly, claim 10 is deemed allowable over this prior art.

In view of the foregoing discussion, the Office Action has failed to make out a *prima facie* case of obviousness, independent claims 1, 10 and 11 are allowable, and the rejection should be withdrawn.

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Claims 2-9 and 12 are dependent from one of the independent claims discussed above, and are believed allowable for at least the same reasons and any rejections thereof should be withdrawn. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In particular, with respect to claim 9, the Office Action rejects this claim citing column 3, lines 6-48 of Kiwiet. This section of Kiwiet recites how the image being generated is dynamically changed:

The measured values of these properties are applied to the picture-generating means 17 which generate the picture in dependence on the measured values.

FIG. 2 shows an example of a composition of a picture 20. For example, each time when a peak occurs in the sound signal, the picture-generating means 17 add to the picture 20 a circular disc 22a-d of a size which is proportional to the sound volume and of a colour of a wavelength which is proportional to the pitch. A circular disc is omitted again some time after having been generated (col. 3, lines 24-34).

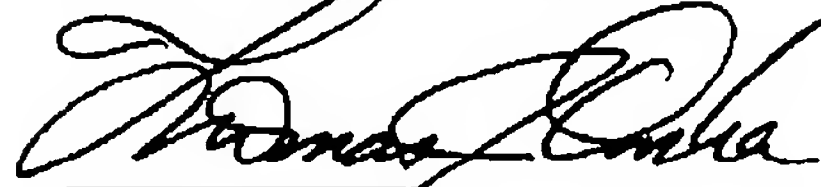
Applicant respectfully submits that this section of Kiwiet, as well as Kiwiet in general, fails to teach the feature of claim 9 wherein a user adjusts the color and/or brightness of the display. Transient appearance and disappearance of colored discs fails to teach this feature. Accordingly, claim 9 is deemed patentable over Kiwiet.

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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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